



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,424	08/03/2000	Paul L. Hickman	NEO1P025 A	6696

22918 7590 01/12/2004

PERKINS COIE LLP
P.O. BOX 2168
MENLO PARK, CA 94026

EXAMINER

PATEL, AJIT

ART UNIT PAPER NUMBER

2664

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,424

Applicant(s)

HICKMAN, PAUL L.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-7,10-13,15,16,21-23 and 24 is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2664

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 17-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-20 of copending Application No. 09/633,497 in view of Rhie et al.

This is a provisional obviousness-type double patenting rejection.

Please see the claims comparison between the U. S. Pat. App. #. 09/631,424 and 09/633,497 in attached Appendix. The difference between the U. S. Pat. App. #. 09/631,424 and 09/633,497 is using the DTMF signal for providing the password for retrieving the E-mail. Rhie et al disclose a method for accessing and browsing the internet through the use of a telephone comprising the DTMF signal for providing the password for retrieving the E. mail (col. 2, line 61 through line 30, col. 3). Therefore, it would have been obvious to one skilled in the art to use DTMF signal for providing the password for retrieving the E. mail as taught by Rhie et al in order for accessing and

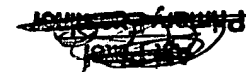
retrieving information from an interconnected networks such as internet via telephone in response to the user's request and for delivering the information.

3. Claims 1,4-7,10-13,15,16,21-23,24 allowed.
4. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 703-308-5347. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

AP



Ajit Patel
Primary Examiner

Appendix

Serial No. 09/631,424	Serial No. 633,497
<p data-bbox="323 254 753 373">1. A voice web browser system comprising: a plurality of touch-tone telephones capable of producing DTMF signals;</p> <p data-bbox="225 436 753 800">a remote access system coupled to a TCP/IP network, said TCP/IP network comprising a plurality of nodes, said TCP/IP network providing access to web pages stored on computer systems coupled to said TCP/IP network, said web pages comprising HTML code that can be transmitted via TCP/IP packets to said access system over said TCP/IP network, said access system being able to receive said TCP/IP packets and to parse said HTML code into text and non-text portions;</p> <p data-bbox="225 835 737 951">a speech recognition system responsive to spoken commands from said telephone users and operative to provide voice commands to said access system;</p> <p data-bbox="225 987 758 1346">a public telephone system coupling said plurality of telephones to said access system for interactive communication with said access system through one or more telephone switch offices such that at least one of said DTMF signals and voice commands can be used to navigate among said web pages to a selected web page for a plurality of users of said plurality of telephones after a user of a touch-tone telephone is granted permission to use such functionality;</p> <p data-bbox="225 1381 758 1440">a security system requiring at least a password to grant said user permission; and</p> <p data-bbox="225 1476 745 1619">a text-to-speech system associated with said access system for reading at least some of said text portions to at least one of said plurality of users of said selected web page.</p>	<p data-bbox="789 254 1300 342">1. A voice web browser system comprising: a telephone;</p> <p data-bbox="797 436 1349 890">an access system coupled to a TCP/IP network, said TCP/IP network comprising a plurality of nodes, said TCP/IP network providing access to web pages stored on computer systems coupled to said TCP/IP network, said web pages, comprising HTML code that can be transmitted via TCP/IP packets to said access system over said TCP/IP network, said access system being able to receive said TCP/IP packets and to parse said HTML code into text and non-text portions, said access system utilizing the functionality of a customized web browser which is customized by a plug-in to navigate among said web pages;</p> <p data-bbox="802 987 1317 1102">a telephone system coupling said telephone to said access system for interactive communication with said access system; and</p> <p data-bbox="802 1476 1338 1560">a text-to-speech system associated with said access system for reading at least some of said text to a user of said telephone.</p> <p data-bbox="802 1686 1338 1829">2. A voice web browser system as recited in claim 1 wherein said telephone is a touch-tone telephone, and wherein said access system can be provided with commands in the form of DTMF signals.</p> <p data-bbox="802 1896 1338 1950">3. A voice web browser system as recited in claim 1 further comprising a speech</p>

Appendix

<p>4. A voice web browser system as recited in claim 1 wherein said access system consists of a unitary computer system.</p> <p>5. A voice web browser system as recited in claim 1 wherein said access system comprises an interface computer system coupled to said plurality of telephone users by said telephone system, and a server coupling said interface computer to said TCP/IP network.</p> <p>6. A voice web browser system as recited in claim 1 wherein said access system is responsive to commands from said plurality of telephone users for navigating both within web pages and between web pages of said TCP/IP network.</p> <p>7. A computer implemented process for obtaining web page and e-mail information over a TCP/IP network comprising:</p> <p>implementing a connection of a plurality of telephone users via a public telephone system including at least one telephone switch office to an access system that is coupled to a TCP/IP network;</p> <p>requiring at least a password to grant a user of a telephone permission utilize the functionality of said access system;</p> <p>making an initial verbal communication to said user including at least providing a plurality of options including at least a network browsing option and an e-mail option;</p> <p>if a network browsing option is selected, detecting a selection of navigation commands by at least one of voice and DTMF commands made by said telephone users to access web pages accessible over said TCP/IP network; and</p>	<p>recognition system responsive to spoken commands from said telephone user and operative to provide operational commands to said access system.</p> <p>4. A voice web browser system as recited in claim 1 wherein said access system consists of a unitary computer system.</p> <p>5. A voice web browser system as recited in claim 1 wherein said access system comprises an interface computer system coupled to said telephone user by said telephone system, and a server system coupling said interface computer system to said TCP/IP network.</p> <p>6. A voice web browser as recited in claim 1 wherein said access system is responsive to commands from said telephone user for navigating both within a web page and between web pages of said TCP/IP network.</p> <p>7. A computer implemented process for obtaining web page information over a TCP/IP network comprising:</p> <p>implementing a connection of a telephone user to an access system that is coupled to a TCP/IP network;</p> <p>detecting a selection of at least one navigation command by said telephone user to access a web page accessible over said TCP/IP network; and</p> <p>navigating utilizing the functionality of a customized web browser which is customized by a plug-in over said TCP/IP network to said web page in response to said navigation command, resulting in a verbal communication of at least some information derivable from said web page to said telephone user.</p>
---	--

Appendix

if a network browsing option is selected, navigating over said TCP/IP network to said web pages in response to said navigation command, resulting in verbal communication of at least some information derivable from said web pages to said user.

10. A computer implemented process as recited in claim 7 wherein said plurality of options includes navigating the TCP/IP network and at least one of the sending of e-mail to others and receiving of e-mail from others.

11. A computer implemented process as recited in claim 10 wherein said plurality of options further includes creating a web page on said TCP/IP network.

12. A computer readable media encoded with the computer implemented process of claim 7.

13. A voice web browser comprising:

connection means including a public telephone system including at least one telephone switch office for implementing connections of a plurality of touch-tone telephone users to an access system that is coupled to a TCP/IP network;

means requiring at least a password to grant a user of a touch tone telephone permission utilize the functionality of said access system;

means for detecting a selection of navigation commands in the form of at least one of a voice and a DTMF command by said telephone users to access web pages accessible over said TCP/IP network; and

8. A computer implemented process as recited in claim 7 further comprising making an initial verbal contact with said telephone user after implementing a connection.

9. A computer implemented process as recited in claim 8 wherein said initial verbal contact includes providing a plurality of options to the telephone user.

10. A computer implemented process as recited in claim 9 wherein said plurality of options includes navigating the TCP/IP network and the sending or receiving of e-mail.

11. A computer implemented process as recited in claim 10 wherein said plurality of options further includes creating a web page on said TCP/IP network.

12. A computer readable media encoded with the computer implemented process of claim 7.

13. A voice web browser comprising:

connection means for implementing a connection of a telephone user to an access system that is coupled to a TCP/IP network;

means for detecting a selection of at least one navigation command by said telephone user to access a web page accessible over said TCP/IP network; and

Appendix

<p>means for navigating over said TCP/IP network to said web pages in response to said navigation commands, resulting in a verbal communication of at least some information derivable from said web pages to said plurality of telephone users.</p>	<p>means for navigating utilizing the functionality of a customized web browser over said TCP/IP network to said web page in, response to said navigation command, resulting in a verbal communication of at least some information derivable from said web page to said telephone user; means for estimating a download time for said web page;</p> <p>means for selecting at least one advertisement based on the estimated download time; and</p> <p>means for playing said selected advertisements with downloading said web page.</p>
<p>15. A voice web browser as recited in claim 13 wherein said means for making initial verbal contacts includes means for providing a plurality of options to the telephone users.</p>	<p>14. A voice web browser as recited in claim 13 further comprising means for making an initial verbal contact with said telephone user after implementing a connection.</p>
<p>16. A voice web browser as recited in claim 13 further comprising means for creating a web page accessible via said TCP/IP network.</p>	<p>15. A voice web browser as recited in claim 13 wherein said means for making an initial verbal contact includes means for providing a plurality of options to the telephone user.</p>
<p>17. A method for retrieving e-mail that was sent over a TCP/IP network comprising:</p> <p>calling from a user touch-tone telephone via a public telephone system including at least one telephone switch office to an access computer coupled to a TCP/IP network;</p> <p>providing at least one of a user identification and a password to said access computer by at least one of user ID, voice communication, and DTMF signals;</p> <p>retrieving e-mail via said access computer that was sent over said TCP/IP network and addressed to said user; and</p> <p>reading said e-mail to said user of</p>	<p>16. A voice web browser as recited in claim 12 further comprising means for creating a web page accessible via said TCP/IP network.</p> <p>17. (amended) A method for retrieving e-mail that was sent over a TCP/IP network comprising:</p> <p>calling from a user telephone through at least one publicly accessible telephone switch office to an access computer coupled to a TCP/IP network;</p> <p>providing user identification and a password to said access computer;</p> <p>retrieving e-mail via said access computer that was sent over said TCP/IP network and addressed to said user; and</p> <p>reading said e-mail to said user of said user telephone utilizing a text-to-speech</p>

Appendix

said user telephone utilizing a text-to-speech system.

18. A method for retrieving e-mail as recited in claim 17 further comprising providing at least one command to said access computer via at least one of a voice and a DTMF command developed by said user telephone.

19. A computer readable media encoded with software instructions and data to implement the method of claim 17.

20. A system for retrieving e-mail that was sent over a TCP/IP network comprising:

an access computer means coupled to a TCP/IP network, said access computer means being accessible by a user via a user touch-tone telephone which communicates with said access computer means via a public telephone system including at least one telephone switch office;

DTMF signals for providing at least one of user identification and a password to said access computer means;

means for retrieving e-mail via said access computer means that was sent over said TCP/IP network and addressed to said user; and means for reading said e-mail to said user of said user telephone.

21. A voice web browser as recited in claim 1 wherein at least one of DTMF and voice recognition can be used to interact with said selected web page by said user.

22. A voice web browser system comprising:

a plurality of touch-tone telephones capable of producing DTMF signals;

a remote access system coupled to a TCP/IP network, said TCP/IP network comprising a plurality of nodes said TCP/IP network providing access to web pages stored on computer systems coupled to said

system.

18. A method for retrieving e-mail as recited in claim 17 further comprising providing at least one command to said access computer via a DTMF signal developed by said user telephone.

19. A computer readable media encoded with software instructions and data to implement the method of claim 17.

20. A system for retrieving e-mail that was sent over a TCP/IP network comprising:

an access computer means coupled to a TCP/IP network, said access computer means being accessible by a user via a user telephone; means for providing user identification to said access computer means;

means for retrieving e-mail via said access computer means that was sent over said TCP/IP network and addressed to said user; and means for reading said e-mail to said user of said user telephone.

Appendix

TCP/IP network, said web pastes comprising HTML code that can be transmitted via TCP/IP packets to said access system over said TCP/IP network, said access system being able to receive said TCP/IP packets and to parse said HTML code into text and non-text portions;

a speech recognition system responsive to spoken commands from said telephone users and operative to provide voice commands to said access system;

a public telephone system coupling said plurality of telephones to said access system for interactive communication with said access system through one or more telephone switch offices such that at least one of said DTMF signals and voice commands can be used to navigate among said web pages to a selected web page for a plurality of users of said plurality of telephones after a user of a touch-tone telephone is granted permission to use such functionality;

a security system requiring at least a password to grant said user permission;

and

a text-to-speech system associated with said access system for reading at least some of said text portions to at least one of said plurality of users of said selected web page;

wherein at least one of DTMF and voice recognition can be used to interact with said selected web page by said user, and wherein said interaction with said selected web page includes the entry of data into a data field of said selected web page.

23. A computer implemented process as recited in claim 7 further comprising using at least one of DTMF and voice recognition to allow said user to interact with said selected web page.

24. A computer implemented process wherein for obtaining web page information over a TCP/IP network comprising:

implementing a connection of a plurality of telephone users via a public

Appendix

telephone system including at least one telephone switch office to an access system that is coupled to a TCP/IP network;

requiring at least a password to grant a user of a telephone permission utilize the functionality of said access system;

making an initial verbal communication to said user including at least providing a plurality of options:

detecting a selection of navigation commands by at least one of voice and DTMF commands made by said telephone users to access web pages accessible over said TCP/IP network:

navigating over said TCP/IP network to said web pages in response to said navigation command, resulting in verbal communication of at least some information derivable from said web pages to said user: and

using at least one of DTMF and voice recognition to allow said user to interact with said selected web page including allowing the user to enter data into a data field of said selected web page.

25. A method as recited in claim 17 further comprising:

entering a new e-mail message via at least one of voice recognition and DTMF signals; and

sending said new e-mail message to a recipient via said TCP/IP network.